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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------------------|---------------------|------------------|
| 10/042,668   | 01/08/2002  | Christopher R. Vincent | POU920010157US1     | 6181             |
| 23334  | 7590        | 03/23/2005             | EXAMINER            |                  |
| FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI<br>& BIANCO P.L.<br>ONE BOCA COMMERCE CENTER<br>551 NORTHWEST 77TH STREET, SUITE 111<br>BOCA RATON, FL 33487 |             |                        | KLINGER, SCOTT M    |                  |
|  |             | ART UNIT               |                     | PAPER NUMBER     |
|  |             | 2153                   |                     |                  |
| DATE MAILED: 03/23/2005  |             |                        |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                         |  |
|------------------------------|------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>     |  |
|                              | 10/042,668             | VINCENT, CHRISTOPHER R. |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>         |  |
|                              | Scott M. Klinger       | 2153                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 January 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-39 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

Claims 1-39 are pending.

### *Priority*

No claim for priority has been made. The effective filing date for subject matter in the application is 8 January 2002.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11, 13, 14, 28-36, 38, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Svoboda (U.S. Patent Number 6,597,771, hereinafter “Svoboda”). Svoboda discloses a method of a message modification in a communication system and a device for performing the method. Svoboda shows,

In referring to claims 1, 2, 5, 6, 9, 11, 28, 29, 32, 33, 36, and 38, Svoboda shows accepting a correction to a previously sent message and sending to a messaging server one of a complete corrected message and a message correction specification: *“after receiving a message, the message being delivered into a receiver communication unit through data communication means and stored in a storage unit, there is a password allocated to the sender, the password being allocated with respect to available information about an identity of the sender, and the password is delivered back to the transmitter communication unit as acknowledgement message and serves*

*the sender as a key for obtaining an access to functions for modification and/or deleting a message stored in a communication unit of the receiver.”* (Svoboda, col. 1, lines 57-67) a system that allows a user to correct a previously sent message inherently implies sending an identifier of the message to be corrected.

In referring to claims 3, 4, 7, 8, 13, 14, 30, 31, 34, and 35, Svoboda shows,

- A text replacement specification comprising a start character index; an end character index; and insertion text:  
A system, which only updates a portion of a message, inherently implies sending information on where the new information starts and ends, and the new information

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svoboda. Although Svoboda shows substantial features of the claimed invention, Svoboda does not explicitly show the determining step comprises determining whether at least one factor of the following corresponds to a system: language translation; correction of binary format information in a message; correction of image information in a message; system processing efficiency; network communication efficiency. Nonetheless this feature is well known in the art and would have been an obvious implementation of the system disclosed by Svoboda.

An example of one embodiment of Svoboda is an e-mail system. A person of ordinary skill in the art would have readily recognized the desirability and advantages of using the system of Svoboda so as to correct image information, in order to allow the user to add an image attachment that had not originally been associated with the message.

Claims 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurille (U.S. Patent Number 6,484,196, hereinafter “Maurille”) in view of Svoboda.

In referring to claims 15, 21, 24, and 25, Maurille shows substantial features of the claimed invention including an instant messaging system: *“In particular, the present invention is a communication board system with multiple modes in which the communication board system can be variously configured as: a threaded instant message system (conversation history plus instant access capabilities)”* (Maurille, col. 2, lines 56-61). However, Maurille does not show accepting a correction to a previously sent message. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Maurille as evidenced by Svoboda.

In analogous art, Svoboda discloses a method of a message modification in a communication system and a device for performing the method. Svoboda shows accepting a correction to a previously sent message and sending to a messaging server one of a complete corrected message and a message correction specification: *“after receiving a message, the message being delivered into a receiver communication unit through data communication means and stored in a storage unit, there is a password allocated to the sender, the password being allocated with respect to available information about an identity of the sender, and the password is delivered back to the transmitter communication unit as acknowledgement message and serves the sender as a key for obtaining an access to functions for modification and/or deleting a message stored in a communication unit of the receiver.”* (Svoboda, col. 1, lines 57-67)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Maurille so as to allow previously sent messages to be changed, such as taught by Svoboda, in order to allow users to correct mistakes.

In referring to claims 16, 17, 19, 20, 22, and 23, Maurille in view of Svoboda shows,

- A text replacement specification comprising a start character index; an end character index; and insertion text:

A system, in which only an updated portion of an instant message is sent, inherently implies sending information on where the new information starts and ends, and the new information

In referring to claim 18, Maurille in view of Svoboda,

- Activating an alert to notify a user of an update:

*"For example, the message indication could be an alert light or a sound indication, among many other possibilities."* (Maurille, col. 12, lines 28-30)

In referring to claims 26, and 27, Maurille in view of Svoboda shows,

- A text replacement specification comprising a start character index; an end character index; and insertion text:

A system, in which only an updated portion of an instant message is sent, inherently implies sending information on where the new information starts and ends, and the new information

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Claims 12 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svoboda in view of Lewis et al. (U.S. Patent Number 6,611,802, hereinafter "Lewis"). Although Svoboda shows substantial features of the claimed invention, Svoboda does not show displaying highlighted corrected text. Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Svoboda as evidenced by Lewis.

In analogous art, Lewis discloses a method and system for proofreading and correcting dictated text. Lewis shows: *"Also, the reviewing step can include highlighting each the word in the electronic document corresponding to the marked textual error marked in the marking step"* (Lewis, col. 3, lines 8-11)

Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Svoboda so as to highlight the updated text, such as taught by Lewis, in order to notify the user of the changes.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger  
Examiner  
Art Unit 2153

smk



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